IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11175 of 2005

Between:

1 P. Vasudha, W/o. Surendar Reddy,
R/o. Mangalpalli Village, Mandal Ibrahimpatnam, Ranga Reddy District.
2 A. Vanaja, W/o. Narsimha Reddy,
R/o. Mangalpalli Village, Mandal Ibrahimpatnam, Ranga Reddy District.
3 K. Hemalatha, W/o. Rama Rao Yadhav,
R/o. Mangalpalli Village, Mandal Ibrahimpatnam, Ranga Reddy District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Ibrahimpatnam, Ranga Reddy District.
2 The Mandal Revenue Division Officer, Ranga Reddy Division.
3 The District Collector, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ more particularly one in the nature of Writ of Mandamus: (i) Directing the respondents herein not to evict the Petitioners from their agricultural lands (i) P. Vasudha-land to the extent of Ac4-01 gts situated in Syu.No. 124/32 of Village Mangalpally Mandal Ibrahimpatna, Ranga Reddy District; (ii) A. Vanaja - land to the extent of Ac 1-07 gts situated in Sy.No. 124/36 land another land to the extent of Ac. 1-07 guntas situated in Sy.No. 124/37 of Mandalpally Village, Mandal Ibrahimpatnam, Ranga Reddy District (iii) K. Hemalatha Land to the extent of Ac 1-32 gts situated in Sy.No. 124/29, and anoter land to the extent of Ac. 0.214 gts situated in Sy.No. 124/30 of Mangalapally Village, Mandal Ibrahimpatnam, Ranga Reddy District; (ii) Declare the proceedings of respondent No.1 herein i.e., (i) issued against the Pettiioner No. 1 and 2 herein vide B.No. 1549/05, dt. 14-3-2005, (ii)

issued against the petitioner No.3 vide No. B/1549/05, dt. 14-3-2005, directing the petitioners herein to evict the Petitioenrs from the said agricultural land is illegal, arbitrary, and violative of Art. 14, 21 and 300-A of the Constitution of India.

Counsel for the Petitioner: MR.S.CHANDRASEKHAR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

By the impugned proceedings of the first respondent, the petitioners have been called upon to show cause within the stipulated time as to why the lands specified in the schedule to the notice, assigned in contravention of the provisions of Section 3 (2) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 be not resumed after summary eviction of the petitioners from the said land. The impugned order is merely a show cause notice. It is not either pleaded or established that the impugned notice issued by the first respondent is patently without jurisdiction. What is alleged is that the impugned action is proposed against the land in possession of the petitioners for a long time. This fact *per se* does not vitiate the impugned show cause notice on the ground that it is patently without jurisdiction.

On the aforesaid analysis, this Court finds no justification for interdicting what is merely a show cause notice. There are no merits in the writ petition. The writ petition is accordingly dismissed. However, the petitioners are at liberty to submit their explanation to the show cause notice within fifteen (15) days from the date of receipt of a copy of this order. On the petitioners submitting such an explanation, the first respondent is directed to consider and pass a reasoned order, which shall be communicated to the petitioners forthwith on the passing of such an order. Till such an order is passed by the first respondent, the petitioners shall not be dispossessed from the land in question.

GODA RAGHURAM, J

Dated May 10, 2005.

RIn/Grk

To

1 The Mandal Revenue Officer, Ibrahimpatnam, Ranga Reddy District.
2 The Mandal Revenue Division Officer, Ranga Reddy Division.
3 The District Collector, Ranga Reddy District.

4. 2 CCs to G.P. for Revenue, High court Buildings, Hyderabad (OUT)

5. 2 C.D. copies.